

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BOARD OF TRUSTEES OF THE  
NORTHWEST PLUMBING AND  
PIPEFITTING INDUSTRY HEALTH  
WELFARE AND VACATION  
TRUST, et al.,

Plaintiffs,

v.

DAY & NIGHT MECHANICAL  
HEATING & COOLING, INC., UBI  
No. 603126019, a Washington  
Corporation, et al.,

Defendants.

No. CV-13-0173-JTR

ORDER GRANTING PLAINTIFFS'  
MOTION FOR DEFAULT  
JUDGMENT

**BEFORE THE COURT** is Plaintiffs' April 1, 2014, Motion for Judgment upon Order of Default. ECF No. 32. Attorney Noelle E. Dwarzski represents Plaintiffs. Defendant Day & Night Mechanical Heating & Cooling, Inc. (Defendant Day & Night) has failed to respond or otherwise contact the Court with respect to the instant action.

1 On May 10, 2013, Plaintiffs filed a complaint for breach of collective  
2 bargaining agreement and for foreclosure of labor liens against public works  
3 contract and retained percentages. ECF No. 1. On May 17, 2013, Defendant Day  
4 & Night was personally served with a copy of the Summons and Complaint in  
5 Spanaway, Washington. ECF No. 12 ¶ 2. A declaration of service was filed with  
6 the Court on July 23, 2013. ECF No. 10. On August 13, 2013, Plaintiffs moved  
7 for entry of default against Defendant Day & Night, ECF No. 11, and a Clerk's  
8 Order of Default against Defendant Day & Night was entered on August 14, 2013.  
9 ECF No. 13. Defendant Day & Night has failed to respond or otherwise defend.

10 Plaintiffs have demonstrated Defendant Day & Night owes Plaintiffs the  
11 total amount of **\$26,015.71** plus post-judgment interest. This balance includes  
12 **\$18,978.20** in contributions, **\$1,677.69** in liquidated damages, and **\$1,664.96** in  
13 interest for the delinquent period of September 2012 through November 2012.  
14 ECF No. 32 at 4-5; ECF No. 33; ECF No. 34. Defendant Day & Night is  
15 additionally liable for Plaintiffs' attorney fees, **\$2,905.50**, and litigation costs,  
16 **\$789.50**, ECF No. 32 at 5; ECF No. 35 ¶¶ 5-6; ECF No. 35-1; ECF No. 35-2, as  
17 well as post-judgment interest at the legal rate until paid in full.

18 Having complied with the requirements of Fed. R. Civ. P. 55 and LR 55.1,  
19 Local Rules for the Eastern District of Washington, and the Court being fully  
20 advised, **IT IS HEREBY ORDERED:**

21 1. Plaintiffs' motion for default judgment as to Day & Night Mechanical  
22 Heating & Cooling, Inc., **ECF No. 32**, is **GRANTED**.

23 2. **Judgment is rendered in favor of Plaintiffs and against Defendant**  
24 **Day & Night Mechanical Heating & Cooling, Inc., for the amount described**  
25 **above.**

26 **IT IS SO ORDERED.** The District Court Executive is directed to file this  
27 Order and provide copies to counsel for Plaintiffs and to Defendant Day & Night  
28

1 Mechanical Heating & Cooling, Inc. Judgment shall be entered for Plaintiffs and  
2 the file shall be **CLOSED**.

3 DATED June 6, 2014.



A handwritten signature in black ink, appearing to be "M", is written above a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE